

**Summary Criminal Case No. 292/2022**  
**Kabir Enterprises V/s. Shashikant Bhange**  
**ORDER BELOW EXH - 01**

( Passed on 25<sup>th</sup> day of April, 2022)

Perused complaint, documents placed on record & examination of complainant under **section 200 of Criminal Procedure Code**. Heard learned advocate for complainant on the point of issuance of process. Firstly, it appears that, accused has given cheque in question to complainant. Complainant appears to have made efforts to encash the cheque. However, there appears a Memo given by banker of accused that, cheque supra is dishonored for reason mentioned in it. Within stipulated time, complainant appears to have issued the mandatory demand notice to accused asking to make payment of cheque amount within 15 days. As per complainant, even after receiving notice, accused has not made payment of cheque amount within said period of 15 days. Thus, it appears that, cause of action has accrued in favour of complainant to file this case. From contents of complaint and examination of complainant, it appears that the cheque was given by accused towards legally enforceable debt or liability. Even there exists presumption under section 139 of Negotiable Instruments Act which provides that the court shall presume that, the cheque was issued towards legal enforceable debt or other liability. Even this Court is having territorial jurisdiction to try this case. Therefore, at this juncture, all fundamental ingredients of offence punishable under section 138 of the Negotiable Instruments Act appears in present case. Hence, I think it fit to issue the process against accused for said offence. In the result, I pass the following order;

**ORDER**

As per **section 204 (1)(a) of The Code of Criminal Procedure**, issue process and summons against the accused for the offence punishable under **section 138 of The Negotiable Instruments Act**.

Katol  
Date **25.04.2022**

**(Prerana R.Nikam)**  
Judicial Magistrate First Class,  
Court No.02 Katol, District Nagpur.

